IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 6935 of 2005

Between:

Ch. Sudakshana, W/o G.S. Venkateswar Rao,
Special Mobile Court, Krishna at Machilipatnam.

..... PETITIONER

AND

1 The District Judge, Krishna at Machilipatnam.
2 High Court of A.P. Rep. by its Registrar (Administration),
High Court of Andhra Pradesh, Hyderabad.
3 Kum. V. Vijayalakshmi, Junior Assistant,
District Court, Krishna.
4 K.B.T. Sundari, W/o V.P. Pragnacharyulu,
Junior Assistant, Principal Junior Judge's Court, Machilipatnam, Krishna District.
5 Y. Subba Reddy, Junior Assistant, Principal Junior Civil Judge's Court, Vijayawada.
6 Kum. G. Annamani,Junior Assistant,

Principal Junior Civil Judge's Court, Gudivada, Krishna District.
7 M. Sambasiva Rao, Junior Assistant,

II Addl.District Court, Vijayawada, Krishna District.
8 D. Ravi Prakash, Junior Assistant,
Family Court, Vijayawada, Krishna District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st Respondent in promoting the Unofficial Respondents 3 to 8 as Senior Assistants through Proceedings, dated 18-3-2005 ignoring the seniority and eligibility as wholly illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India and consequently declare that the Petitioner is entitled to be promoted to the post of Senior Assistant in any one of the existing vacancies in preference to the Unofficial Respondents and pass such other further order or orders as this Honourable Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.RAVI KONDAVEETI

Counsel for the Respondent Nos.1 and 2: MR.C.V.NAGARJUNA REDDY

Counsel for the Respondent Nos. 3 to 8: None appeared

The Court made the following Order:

HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 6935 of 2005

ORAL ORDER: (per Sri Devinder Gupta, CJ)

The grievance of the petitioner is that though her name was put in Circular dated 17.12.2004 and she was duly called for interview for the promotional post of Senior Assistant, but her name did not find mention in the list of promotees dated 18.3.2005. Felling aggrieved, on 21.3.2005, she submitted a representation to the 1st respondent, which has remained undecided, therefore, she filed the present writ petition.

Petitioner has not yet exhausted her departmental remedies and without exhausting

those remedies, she has approached this Court. The only order which can be passed at this stage would be to direct the Respondent Nos.1&2 to consider the representation of the petitioner dated 21.3.2005.

Accordingly, we direct the Respondent No.1 to consider the representation of the petitioner dated 21.3.2005 and to take appropriate decision thereupon within a period of two weeks from the date of receipt of Writ order from the Court and communicate the same to the petitioner. In case, the writ petitioner will feel aggrieved by the decision of the 1st respondent, she may be at liberty to further exhaust her departmental remedy of approaching the 2nd respondent, and, only in the event, the 2nd respondent not granting any relief to the petitioner, she can question the same by filing appropriate writ petition.

The writ petition is accordingly disposed of. No costs.

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DEVINDER GUPTA,CJ

DATE: 1st April, 2005

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B. SESHASAYANA REDDY,J

Pnb

To

1. The District Judge, Krishna at Machilipatnam.

2. The Registrar (Administration), High Court of Andhra Pradesh, Hyderabad.

3. Two C.D. copies